

UNITED STATES DISTRICT COURT
for the
Southern District of New York

Bayer HealthCare LLC

Plaintiff

v.

Eli Lilly and Company

Defendant

11 CV 3047

Civil Action No.

JUDGE HELLERSTEIN

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Eli Lilly and Company
c/o National Registered Agents, Inc.
875 Avenue of the Americas
Suite 501
New York, New York 10001

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David H. Bernstein, Esq.
Debevoise & Plimpton LLP
919 Third Avenue
New York, New York 10022

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

CLERK OF COURT

Date: _____

MAY - 4 2011

Ruby J. Krajick, Clerk of Court

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
BAYER HEALTHCARE LLC, :
:-----

Plaintiff, :

v. :

ELI LILLY AND COMPANY, :

Defendant. :

----- x
AFFIDAVIT OF SERVICE
11 CV 3047 (AKH)

STATE OF NEW YORK)
ss.:
COUNTY OF NEW YORK)

Kevin Johnson being duly sworn, deposes and says that I am not a party to the action, am over eighteen (18) years of age, and I reside in Brooklyn, New York.

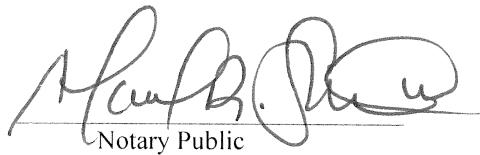
On May 4, 2011 at 4:00 p.m., I personally served Defendant Eli Lilly and Company at 875 Avenue of the Americas, Suite 501, New York, NY 10001. I served the Summons in a Civil Action, Complaint, United States Magistrate Judge Consent Form, ECF Rules and Guidelines and Judge Hellerstein Individual Practice Rules, by personally delivering copies to its designated agent National Registered Agents, Inc., by Bernadette Broder an employee and person authorized to accept service of process.

Ms. Broder is a light skinned female with long brown hair, approximately 5'6", 140 lbs., 55-60 years of age.



Kevin Johnson
License No.: 1031365

Sworn to before me this
5th day of May, 2011.



Michael R. Shannon
Notary Public

MICHAEL R. SHANNON
NOTARY PUBLIC, State of New York
No. 01SH6200537
Qualified in New York County
Commission Expires Jan. 26, 2013